

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

THE MEDICINES COMPANY,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:11-CV-01285
	)	
MYLAN INC., MYLAN	)	Hon. Amy J. St. Eve
PHARMACEUTICALS INC., and	)	
and BIONICHE PHARMA USA, LLC,	)	
	)	
Defendants.	)	

**JOINT STIPULATION AND ORDER**

WHEREAS, the parties exchanged claim terms and proposed constructions on January 17, 2012, pursuant to the Scheduling Order in this case;

WHEREAS, in its proposed claim constructions, Mylan asserts that the term “about \_\_\_\_\_ % as measured by HPLC” is indefinite;

WHEREAS, The Medicines Company’s position is that indefiniteness is not appropriate for claim construction, and in any event the term “about \_\_\_\_\_ % as measured by HPLC is not indefinite;

WHEREAS, the parties have discussed whether indefiniteness of this claim term should be presented as part of the claim construction proceedings, or deferred to a later time;

WHEREAS, the parties have agreed, subject to the Court’s approval, that their dispute concerning the alleged indefiniteness of the “about \_\_\_\_\_ % as measured by HPLC” claim term will not be raised during claim construction proceedings, and further that deferring resolution of that dispute shall not operate to waive the parties’ respective rights to assert claims and defenses relating to indefiniteness of that claim term at a later time;

WHEREAS, the parties’ agreement on this issue was raised with the Court during the

February 28, 2012 Status Conference and the Court requested a formal stipulation;

IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the parties that the issue of the alleged indefiniteness of the “about \_\_\_\_% as measured by HPLC” claim term will not be raised during claim construction proceedings in this case, and that the parties reserve their rights to seek a decision on their respective claims and defenses concerning indefiniteness of that claim term.

SO STIPULATED:

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*Attorneys for Plaintiff  
The Medicines Company*

IT IS SO ORDERED,

Dated: March 12, 2012

PERKINS COIE LLP

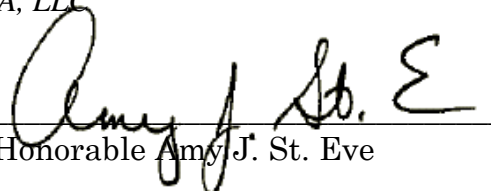
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Honorable Amy J. St. Eve